

Remarks

With respect to the rejection of claims 11-13 because of anticipation by U.S. Patent 2,543,840 to Lanman: The examiner equates elements 28 and 29 shown in Fig. 10 of the Lanman patent with the conforming pad of the invention. The conforming pad in the Giles application has a first side that is bonded to an unmounted medium by way of a releasable adhesive. The conforming pad, as clearly defined in written description of the Giles application, changes shape as the unmounted medium changes shape. The conforming pad is further defined in the written description as comprising "a soft, pliable material that can change shape to conform to the changing shape of the unmounted medium." In claim 11 of the Giles application, from which claim 12 depends, the first side of the conforming pad is caused to "change between a substantially planar configuration and a curved configuration" as the unmounted medium changes shape.

In the Lanman patent, item 28 is described as a base that is bonded to a picture frame with "soft glue." Consequently, it is item 28 that is analogous to the first side of the conforming pad. Secured to the other side of the base opposite the soft glue is a "sponge-like porous mass" (item 29). While the sponge-like mass may be flexible, there is no justification present in the Lanman patent for assuming the base 28 can "change between a substantially planar configuration and a curved configuration." In fact, the elements described as bases in other embodiments of Lanman are clearly rigid. Since the MPEP Section 2112, IV says "Examiner must provide rationale or evidence tending to show inherency" in order to establish the inherency of the characteristic, and since there is no evidence that the base 28 of the Lanman patent can inherently change shape as required of the conforming pad, we respectfully request that the rejection of claims 11-13 under 35 U.S.C. 102(b) be removed and the remaining claims be allowed.